

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN GILBERT PEREZ SR.,

Plaintiff,

v.

BEST BUY STORES, L.P.,

Defendant.

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Civil Action No. SA-20-CV-00812-XR

ORDER

On this date, the Court considered Plaintiff's Opposed Motion for Leave to File CPRC 18.001 Affidavits (ECF No. 16). Plaintiff seeks leave to file affidavits concerning the reasonableness and necessity of medical care and expenses pursuant to Texas Civil Practice and Remedies Code § 18.001. Defendant opposes the motion. Plaintiff correctly notes that some district courts have held that § 18.001 is applicable in federal court. But the issue is not "well settled," and the Undersigned has held that § 18.001 is procedural and thus inapplicable in federal court. *Islas v. United States*, SA-19-CV-322-XR, 2020 U.S. Dist. LEXIS 80904, at *13 (W.D. Tex. Apr. 16, 2020). The Undersigned recently reaffirmed this decision in a diversity case in *Gonzales v. Allstate Indemnity Company*, SA-5:20-CV-00789-XR (W.D. Tex. Oct. 30, 2020). Accordingly, for the same reasons the Undersigned has explained in prior orders, Plaintiff's motion is DENIED.

SIGNED November 6, 2020.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE